



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1965

Introduced 2/7/2008, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

730 ILCS 125/17

from Ch. 75, par. 117

Amends the County Jail Act. Provides that if a person confined in a county jail is in need of medical services and is determined eligible for medical assistance under the Illinois Public Aid Code at the time the person is detained (rather than has already been determined eligible for medical assistance under the Illinois Public Aid Code at the time the person is initially detained pending trial), the cost of such services, to the extent such cost exceeds \$500, shall be reimbursed by the Department of Healthcare and Family Services under that Code. Provides that "medical expenses" include medical and hospital services but do not include expenses incurred for medical care or treatment provided to a person on account of a self-inflicted injury incurred prior to or in the course of an arrest. Provides that when medical services are required by any person held in custody, the county, private hospital, physician, or any public agency which provides such services shall be entitled to obtain reimbursement from the county. Eliminates the ability of such entities to obtain reimbursement from the Arrestee's Medical Costs Fund. Changes the name of the Arrestee's Medical Costs Fund to the County Jail Medical Costs Fund. Provides that in such cases, the county shall be entitled to obtain reimbursement from the County Jail Medical Costs Fund to the extent moneys are available from the Fund. Provides that moneys in the Fund shall be used solely for reimbursement to the county of costs for medical expenses and administration of the Fund. Effective immediately.

LRB095 18242 RLC 44326 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The County Jail Act is amended by changing
5 Section 17 as follows:

6 (730 ILCS 125/17) (from Ch. 75, par. 117)

7 Sec. 17. Bedding, clothing, fuel, and medical aid;
8 reimbursement for medical ~~or hospital~~ expenses. The Warden of
9 the jail shall furnish necessary bedding, clothing, fuel, and
10 medical services ~~aid~~ for all prisoners under his charge, and
11 keep an accurate account of the same. When services that result
12 in qualified medical expenses ~~or hospital services~~ are required
13 by any person held in custody, the county, private hospital,
14 physician or any public agency which provides such services
15 shall be entitled to obtain reimbursement from the county ~~or~~
16 ~~from the Arrestee's Medical Costs Fund to the extent that~~
17 ~~moneys in the Fund are available~~ for the cost of such services.
18 The county board of a county may adopt an ordinance or
19 resolution providing for reimbursement for the cost of those
20 services at the Department of Healthcare and Family Services'
21 rates for medical assistance. To the extent that such person is
22 reasonably able to pay for such care, including reimbursement
23 from any insurance program or from other medical benefit

1 programs available to such person, he or she shall reimburse
2 the county or arresting authority. If such person is ~~has~~
3 ~~already been~~ determined eligible for medical assistance under
4 the Illinois Public Aid Code at the time the person is
5 ~~initially~~ detained ~~pending trial~~, the cost of such services, to
6 the extent such cost exceeds \$500, shall be reimbursed by the
7 Department of Healthcare and Family Services under that Code. A
8 reimbursement under any public or private program authorized by
9 this Section shall be paid to the county or arresting authority
10 to the same extent as would have been obtained had the services
11 been rendered in a non-custodial environment.

12 Unless the arrestee is eligible for medical assistance
13 under the Illinois Public Aid Code or reimbursement under a
14 public or private program authorized by this Section, an ~~Ar~~
15 arresting authority shall be responsible for any incurred
16 medical expenses relating to the arrestee until such time as
17 the arrestee is placed in the custody of the sheriff. However,
18 the arresting authority shall not be so responsible if the
19 arrest was made pursuant to a request by the sheriff. When
20 medical expenses ~~or hospital services~~ are required by any
21 person held in custody, the county ~~or arresting authority~~ shall
22 be entitled to obtain reimbursement from the County Jail
23 ~~Arrestee's~~ Medical Costs Fund to the extent moneys are
24 available from the Fund. To the extent that the person is
25 reasonably able to pay for that care, including reimbursement
26 from any insurance program or from other medical benefit

1 programs available to the person, he or she shall reimburse the
2 county.

3 The county shall be entitled to a \$10 fee for each
4 conviction or order of supervision for a criminal violation,
5 other than a petty offense or business offense. The fee shall
6 be taxed as costs to be collected from the defendant, if
7 possible, upon conviction or entry of an order of supervision.
8 The fee shall not be considered a part of the fine for purposes
9 of any reduction in the fine.

10 All such fees collected shall be deposited by the county in
11 a fund to be established and known as the County Jail
12 ~~Arrestee's~~ Medical Costs Fund. Moneys in the Fund shall be used
13 solely for reimbursement to the county of costs for medical
14 expenses ~~relating to the arrestee while he or she is in the~~
15 ~~custody of the sheriff~~ and administration of the Fund.

16 For the purposes of this Section, "arresting authority"
17 means a unit of local government, other than a county, which
18 employs peace officers and whose peace officers have made the
19 arrest of a person. For the purposes of this Section,
20 "qualified medical expenses relating to the arrestee" include
21 medical and hospital services but do not include ~~means only~~
22 ~~those~~ expenses incurred for medical care or treatment provided
23 to a person an arrestee on account of a self-inflicted an
24 injury incurred prior to or in the course of an arrest or
25 ~~suffered by the arrestee during the course of his or her arrest~~
26 ~~unless such injury is self inflicted; the term does not include~~

1 ~~any expenses~~ incurred for medical care or treatment provided to
2 a person ~~an arrestee~~ on account of a health condition of that
3 person ~~the arrestee~~ which existed prior to the time of his or
4 her arrest.

5 (Source: P.A. 94-494, eff. 8-8-05; 94-962, eff. 1-1-07.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.